REMARKS

Claims 1-35 are currently pending in the subject application and are presently under consideration. A version of all pending claims is found at pages 2-9. As suggested by the Examiner, claims 33 and 35 have been amended herein to correct minor informalities. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 33-35 Under 35 U.S.C. §112

Claims 33-35 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is submitted the rejection with respect to independent claims 33 and 35, is now believed to be moot and should be withdrawn in view of the amendment made herein to cure the minor informality indicated by the Examiner. With respect to independent claim 34, as there is sufficient antecedent basis within the limitations set forth in the claim, the rejection is unwarranted and no amendment has been made. Accordingly, in view of the foregoing, it is submitted that the rejection should be withdrawn.

II. Rejection of Claims 1-14, 17-20, 22-24 and 27-32 Under 35 U.S.C. §103(a)

Claims 1-14, 17-20, 22-24 and 27-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith *et al.* (US 6,477,703) in view of Beelitz *et al.* (US 6,182,275). It is respectfully requested that this rejection should be withdrawn for at least the following reason. Smith *et al.* and Beelitz *et al.*, either alone or in combination, fail to teach or suggest the invention as recited in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or

> references when combined) *must teach or suggest all the claim limitations. See* MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure. See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Independent claims 1, 9, 22, 27 and 30 recite a similar claim limitation, *a service pack installation component adapted to selectively install at least one service pack associated with at least one application component according to the desired setup information and the dependency information.* Thus, the invention as claimed provides an installation component that selectively installs service packs associated with an application component based on setup information and dependency information. The setup information is obtained from a user interface component, and the dependency information is acquired from a data store that contains the dependency information. Both Smith *et al.* and Beelitz *et al.* fail to teach or suggest this novel feature. In addition, both Smith *et al.* and Beelitz *et al.* are silent regarding *a user interface component adapted to prompt a user for desired setup information relating to a desired setup for the computer system*, as is recited in the subject independent claims.

As the Examiner concedes in the instant Final Office Action, Smith *et al.* fails to teach or suggest the selective installation of service packs, however, the Examiner nevertheless argues that:

> [a]lthough Smith does not specifically teach the step of installing the service pack, Smith does teach that the service packs are *for* "installation on a computer system," and hence the service packs are obviously *going to be* installed on a computer system. Final Office Action dated April 6, 2004, page 3. (emphasis in original) (citation omitted).

Applicants' representative avers to the contrary. It is submitted that since Smith *et al.* does not disclose an installation component, a future intention to install a service pack without providing the means to facilitate the installation, cannot be construed as a present intention to install a service pack through an identified and claimed service pack installation mechanism.

Further as the Examiner acknowledges, Smith *et al.* is silent with respect to prompting a user for desired setup information relating to a desired setup for the computer system. To rectify this deficiency, the Examiner resorts to Beelitz *et al.* to provide the necessary teaching or suggestion, stating, "Beelitz, however, does teach generating a setup of a computer system based on user input." Final Office Action, dated April 6, 2004, page 3. Applicants' representative however contends that Beelitz *et al.* does not teach or suggest ***a user interface component adapted to prompt a user.*** Rather, Beelitz *et al.* provides:

> means for generating a list of compatible options that may be implemented on a computer system, each of the compatible options is compatible with ***a previously selected choice by a user*** ... col. 22, lines 42-45 (emphasis added).

From the foregoing, it is evident that Beelitz *et al.* does not teach or suggest a user interface component that prompts a user for a response, but instead generates a list based on selections previously made by a user. Selections previously made by a user are distinguishable from prompting a user for a response, as selections previously made may be made without the necessity of prompting a user, however, by prompting a user, as set forth in the subject claims, the system elicits a near contemporaneous response from the user. Thus, Beelitz *et al.* does not teach or suggest a user interface component adapted to prompt a user for setup information, and consequently is distinguishable from the invention as claimed.

In view of at least the foregoing, it is respectfully requested that the rejection of independent claims 1, 9, 22, 27 and 30 (and claims that depend therefrom) should be withdrawn.

III. Rejection of Claims 15, 16, 20, 21, 25 and 26 Under 35 U.S.C. §103(a)

Claims 15, 16, 20, 21, 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith *et al.* (US 6,477,703) in view of Beelitz *et al.* (US 6,182,275) and further in view of Curtis (US 6,442,754). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. The subject claims

depend from independent claims 9 and 22 respectively, and for reasons stated *supra*, Curtis does not make up for the aforementioned deficiencies of Smith *et al.* and Beelitz *et al.* Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 33-35 Under 35 U.S.C. §103(a)

Claims 33-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith *et al.* (US 6,477,703). It is respectfully requested that this rejection should be withdrawn for at least the following reason. Smith *et al.* fails to teach or suggest each and every element set forth in the subject claims, and in particular, and as stated above, Smith *et al.* fails to facilitate ***installation of a service pack*** installable on a system based upon application setup parameters and application dependency parameters. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

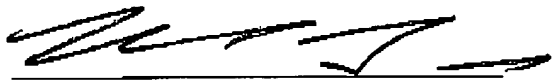
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



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